

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
May 2, 2000

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:01 p.m., Tuesday, May 2, 2000, in the Board Room, York Hall, by Chairman Walter C. Zaremba.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zaremba, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Melanie L. Rapp.

Also in attendance were Daniel M. Stuck, County Administrator; and James E. Barnett, County Attorney.

Invocation. Reverend James Hundley, Providence United Methodist Church, gave the Invocation

Pledge of Allegiance to the Flag of the United States of America. Chairman Zaremba led the Pledge of Allegiance.

## **PRESENTATIONS**

### **OUTSTANDING YOUTH AWARDS**

Chairman Zaremba spoke of the Outstanding Youth of the Year awards, a special recognition program for achievements by youth in the categories of Community Service, Courage, Overall Achievement, and Compassion. He then provided some background information on the program which has been sponsored jointly by the York County Youth Commission and the Board of Supervisors for the past 11 years.

Youth Commissioner Jennell Whitfield then read each of the four resolutions, and Chairman Zaremba presented the following recipients of the 2000 Outstanding Youth of the Year Awards with a bound and sealed copy of the resolution and an engraved Jefferson Cup in recognition of the occasion:

Krystal Paez	Outstanding Youth of the Year for Compassion
Madison McDaniel	Outstanding Youth of the Year for Courage
Christi Rawls	Outstanding Youth of the Year for Community Service
Brandon Randall	Outstanding Youth of the Year for Overall Achievement

Miss Paez thanked the selection committee and her nominator, as well as the children she worked with because she was so rewarded by them each day. She indicated she plans to spend her life working with children .

Miss Rawls noted that her involvement with the theater has helped her to be more outgoing and less shy. She indicated her involvement with Jobs Daughters has helped her to become a leader. She thanked the people who helped her to receive the award, including Mr. Michael Sullivan, her nominator, who has also served as her mentor. Miss Rawls stated her parents raised her well, and she indicated how her grandparents had been a great inspiration in her life as well.

Mr. Randall acknowledged the Board and the selection committee for the great honor bestowed upon him at this time. He stated the award was a gift from God, and without him none of this would have been possible. He expressed thanks to his parents for instilling in him that he could be all he wanted to be and for the priority system that he hoped to pass on to his children. Mr. Randall thanked his pastor, Reverend Whitehead of New Zion Baptist Church, for his spiritual guidance and friendship and for always being there for him. He also expressed appreciation to

his guidance counselor, Mrs. Brown, for the tireless hours she spent helping him get accepted into Hampden Sydney College.

Mr. McDaniel stated he was honored to receive the award, and he expressed appreciation to his family and nominators. He thanked the Board for this special recognition.

#### DRAINAGE PROBLEMS

Mr. Wiggins made introductory remarks concerning the drainage problems occurring in York County, and he thanked the following individuals for helping to produce the upcoming presentation:

Jack Sharkey  
Rick and Ann Carver  
Mike Bossey  
Jim Burgett  
Walt Zaremba  
The Edgehill Association

He noted he had been contacted by the Lieutenant Governor and former Governor George Allen who had expressed an interest in the drainage situation and had indicated a desire to help the County if they could. He then introduced Mr. Sharkey to provide the slide presentation depicting the extent of the drainage problems that many areas of the County are experiencing.

Mr. Jack Sharkey, 106 Nelson District Road, stated there were 11 predicted major storms to come this coming season, and there has already been area flooding in many areas of the County. He displayed for the Board slides of area problems due to normal rainfall as well as those due to severe weather conditions. He discussed actions taken by the residents of Edgehill, noting that VDOT has taken no action to remedy the problems. Mr. Sharkey then spoke of the roads in need of resurfacing due to damage from flood conditions, and he addressed other York County communities which have similar drainage and road problems. He displayed slides depicting other areas of the County and the problems they were encountering. Mr. Sharkey stated that VDOT was well aware of the problems being experienced, and he addressed the action or non-action of VDOT during a specific weather incident in April.

Chairman Zaremba stated he felt Mr. Sharkey's presentation had adequately outlined the serious need for corrective action in many areas of the County. He asked that the Board take a short recess and then have some dialog concerning appropriate types of corrective action.

Mr. Wiggins stated the reason the presentation was so long was in order to share these people's feelings and problems with the rest of the County.

Mr. Burgett noted that the people in District 3 were not the only ones in the County with drainage problems. He suggested that the Board now move toward a solution.

Chairman Zaremba indicated the Board needed to move forward with some dialog in terms of a realistic course of action. VDOT has the primary responsibility, but it does not preclude the County from getting involved in developing a solution to the problem.

Meeting Recessed. At 8:37 p.m. Chairman Zaremba declared a short recess.

Meeting Reconvened. At 8:44 the meeting was reconvened in open session by order of the Chair.

#### DRAINAGE PROBLEMS (Continued)

Mr. Wiggins noted that everyone has seen the magnitude of the problem, and he recommended that a committee be established by the Board of Supervisors with a goal to identify the specific problems, noting what has and has not been attempted, and develop a proposal for solving the drainage problems. He stated the committee should be made up of a member of the Board of Supervisors, a senior staff member who has knowledge of the issues, a VDOT representative if possible, and, most importantly, a cross-section of citizens residing in the affected areas.

Chairman Zaremba asked Mr. Stuck to provide the Board with the legal relationship between the Highway Department and the County relative to the drainage problems.

Mr. Stuck stated that road systems in the counties of the Commonwealth, with one or two exceptions, are owned and operated by VDOT. The County's maintenance program sometimes gets involved in the drainage problems that impact on VDOT rights-of-ways. Typically, roadside ditches are not the types of areas in which the County staff would be working. The County is not staffed or equipped for the upkeep of roadside ditch work. He also noted the County must get permits from the Highway Department whenever it does work in the road rights-of-way. Mr. Stuck indicated staff had forwarded a letter to the Highway Department asking about the policy Mr. Elliott mentioned at the last Regular Meeting of the Board regarding its policy requiring environmental permits to perform any ditch or culvert work. He also noted that the County frequently receives the same responses that the citizens receive concerning the lack of manpower and funding to take care of needed drainage and road work. In the past the County has taken on certain causes and have gotten VDOT to reallocate some of its fixed resources to the County's specific problems, but no extra money flows into the residency. Reallocation only means that some other project does not get accomplished as originally planned.

Mr. Barnett mentioned the letter recently sent to VDOT questioning the environmental requirement for permits, stating he would be very interested to see the answer. He stated his understanding was that to clean out an existing culvert or a ditch would not violate any environmental laws. VDOT may have instituted some procedures the County staff was not aware of, but it would be surprising to find a change in the environmental laws covering these issues. Mr. Barnett explained that there are State statutes that say once streets are accepted into the State's system of highways, they then fall within the exclusive jurisdiction of VDOT, and the rights-of-way extend beyond the pavement area.

Mr. Burgett stated it was a significant problem that has plagued the County for many years, and it was very important that the Board secured a way to solve this problem. He indicated he did not propose that the County take over VDOT's job, but he felt the committee was a good idea and he would support it. He stated he would task the committee to tell the Board of Supervisors what can be done, and he would look to the committee to come up with solutions that can be weighed and discussed by the Board.

Miss Rapp thanked Mr. Sharkey for his presentation. She stated the pictures shown looked a lot like Running Man and Woodlake. She noted that the problems are County-wide, and the solutions need to be addressed County-wide. The solutions for Woodlake are already in the Capital Improvements Program, but the County will have to raise taxes or cut some other projects in order to address all the drainage issues. Miss Rapp stated she felt the committee would be effective for the Edgehill community, but the problems in Running Man and Woodlake are already being addressed.

Mrs. Noll stated the drainage issue was on the work session schedule, and at that time the Board would be looking at the overall drainage issue throughout the County. The County has identified the problems; the Board of Supervisors needs to go over the list of priorities and move forward. Mrs. Noll stated she felt the establishment of a committee was premature until the Board knew all the facts.

After further brief discussion, by consensus the Board agreed to establish a Drainage Committee with Mr. Wiggins to serve as the Board of Supervisors Liaison.

Chairman Zaremba asked Mr. Stuck to work with Mr. Wiggins and identify the staff members to work on the committee. He indicated all the districts must be represented on the committee's membership, but the number must be manageable.

Mr. Stuck noted that Mr. Wiggins had suggested that the committee's goal be to identify specific problems and what has or has not been done and come up with a proposal for a solution. He asked the Board how broad it wished the scope of the project to be. He stated if the committee were to identify all the drainage problems, it would not be a short-term effort.

Chairman Zaremba stated the committee should wrestle with the scope or magnitude of the problem and come back with a course of action. He then asked Mr. Stuck to explain the im-

provements being made that were contained in the Capital Improvements Plan which Miss Rapp mentioned.

Mr. Stuck summarized the six-year capital program for drainage, stating the County was in its third year. The plan was funded at \$3.2 million with expenditures planned within the six-year period, and there was no plan to fund the plan after that. The projects in the plan were prioritized based on certain criteria, the principal one being potential damage to personal property. Mr. Stuck noted the plan contains approximately 20 projects. He also noted that the County has an on-going annual program whereby eight months out of the year, and with \$100,000 for materials, County staff addresses certain minor drainage improvements. This typically addresses three-four projects each year. He stated this program was not as clearly prioritized, that it basically responded to complaints.

Chairman Zaremba asked if those projects were ones that would otherwise be the exclusive domain of VDOT or are they outside what VDOT normally addresses.

Mr. Stuck stated he did not believe any of the projects were strictly VDOT responsibility.

#### **CITIZENS COMMENT PERIOD**

Mr. Ralph E. Carr, 2313 Old York-Hampton Highway, indicated that when the ditches in Edgehill were cleaned out, it dumped the water onto Cook Road which backed up and flooded his den and a couple of other houses on Falcon Road. He asked that when the drainage problems were fixed in Edgehill the Highway Department provide an outlet for the water to drain away from Cook Road and steer it toward Wormley Creek.

#### **COUNTY ATTORNEY REPORTS AND REQUESTS**

Mr. Barnett apprised the Board of the Virginia Supreme Court acting favorably for the County in the Dale vs. York County case with respect to forestry operations in the County.

A brief discussion took place regarding the location of the Dale property.

#### **COUNTY ADMINISTRATOR REPORTS AND REQUESTS**

Mr. Stuck indicated that at the last regular meeting, several people expressed concern about the closing of New Quarter Park to private reservations, and the Board members at that time indicated they would consider its previous decision to open the park to the public and forward a letter containing a decision on the reconsideration to the affected parties. Mr. Stuck asked the Board for guidance regarding preparation of the letter.

Chairman Zaremba asked the other Board members if they had any wish to reconsider the staff's proposal for opening the park to the public.

Mrs. Noll asked if it was agreed that the park would be open from Memorial Day to Labor Day, and that it would be open to groups by reservation from Labor Day to Memorial Day.

Chairman Zaremba indicated that was not the case, that if the Board found the pilot program of opening the park to the public to be successful, then the Board might decide to leave it open to the public the rest of the year.

Mr. Stuck stated a work session has been scheduled in early August to discuss policies, and staff ought to have some feel for how the park being open to the public was working out by that time. He stated staff should be able to let the people who had pending reservations know something by the first week of September.

Chairman Zaremba indicated the Board needed to address whether or not the park could accommodate the family and larger groups at the same time.

Mr. Wiggins indicated the park was not set up for a campground. He noted there were no proper facilities for large groups of campers.

Mr. Stuck then noted the Board had a work session scheduled for May 9 to discuss the Tourism Fund allocations and the Board's goals and implementation strategies. He asked the Board members to look at the draft of the implementation strategies and provide other ideas as necessary. Mr. Stuck also reminded the Board that dates were still needed for scheduling a retreat with the Industrial Development Authority and a joint meeting with the James City County Board of Supervisors, and he asked the Board members to contact Mrs. Simmons with their available dates.

#### **MATTERS PRESENTED BY THE BOARD**

Mr. Wiggins thanked the Board for establishing the Drainage Committee, and he expressed his appreciation to Mr. Sharkey and the rest of the Edgehill citizens who helped put on the presentation. He stated he looked forward to working on the committee, and he asked each of the Board members to provide him with the names of three individuals to represent their districts on the committee.

Miss Rapp indicated the Fourth of July Committee was looking for volunteers to help with the event this year, and she asked interested persons to contact the Parks and Recreation Division. She spoke about the appointments to the York County Youth Commission and the difficulty she had choosing only two among the applicants in her district. She encouraged the students who applied to stay involved in their community even if they were not appointed this year.

Mr. Burgett provided a brief report on his activities during the past week. He stated he had attended the Regional Issues Committee meeting, and a joint resolution was being prepared from that meeting regarding high speed rail service for the area. He also indicated he had attended the AARP conference to provide greetings on behalf of the County, and stated the AARP has a very interesting program for senior citizens. On Thursday Mr. Burgett attended the first meeting of the Peninsula Workforce Consortium, and he stated there was money for training in jobs for people in York County and will be a good opportunity for many York County citizens.

Chairman Zaremba asked how the County taps into that pool of money.

Mr. Burgett indicated members were appointed to the Consortium which is the agent for the funding.

Chairman Zaremba announced that for those interested in the Fort Eustis Boulevard extension project VDOT would be holding its public hearing on Wednesday, May 3, at York High School between the hours of 4:00 p.m. and 7:00 p.m. He then mentioned the Call 311 Program, indicating York County does not have one at the present time. He asked that the Board and staff consider such an information program that would provide citizens access to County information given by people rather than machines. Mr. Zaremba also noted that the County has a Citizens Comment Line, and he asked that the Board be provided with feedback on its success. He then addressed a draft one-page form that had been developed by the County Administrator to be used to provide the Board members with updates on the different issues and initiatives that were currently being considered. He stated the Board members could look at the form and see the current status. It would be a supplement to the two massive documents of background information provided to the Board at the last two Board meetings. Mr. Zaremba asked the Board members to provide their suggestions and modifications concerning the form.

#### **CONSENT CALENDAR**

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 1, 2, and 3, respectively.

On roll call the vote was:

Yea:	(5)	Noll, Wiggins, Burgett, Rapp, Zaremba
Nay:	(0)	

Thereupon, the following minutes were approved and resolutions adopted:

**Item No. 1. APPROVAL OF MINUTES**

The minutes of the following meetings of the York County Board of Supervisors were approved:

March 21, 2000, Adjourned Meeting  
March 23, 2000, Adjourned Meeting  
April 4, 2000, Regular Meeting

**Item No. 2. RENTAL SUBSIDY PROGRAMS: Resolution R00-60**

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO TAKE ALL ACTIONS NECESSARY TO ACCEPT FUNDING AND CONTINUE TO IMPLEMENT RENTAL SUBSIDY PROGRAMS FUNDED THROUGH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY

WHEREAS, the Board of Supervisors has a long standing commitment to assisting the County's low and moderate income citizens in meeting essential housing needs; and

WHEREAS, the rental subsidy programs funded and administered through the U.S. Department of Housing and Urban Development and the Virginia Housing Development Authority provide annual outside funding that assists eligible County citizens.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 2nd day of May, 2000, that the County Administrator be, and he is hereby, authorized to accept funding in the amounts offered the County by the Virginia Housing Development Authority (VHDA), execute any necessary grant agreement, contracts or other documents with VHDA and to participate fully in the Section 8 Certificate, Voucher and Moderate Rehabilitation Rental Subsidy Programs for FY2001; provided that all documents shall be approved as to form by the County Attorney.

**Item No. 3. TELEPHONE SERVICES AGREEMENT WITH THE YORK-POQUOSON DEPARTMENT OF SOCIAL SERVICES: Resolution R00-66**

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A TELEPHONE SERVICE AGREEMENT WITH THE YORK/POQUOSON DEPARTMENT OF SOCIAL SERVICES

WHEREAS, the Public Safety Building houses the York/Poquoson Department of Social Services; and

WHEREAS, this Board desires to authorize the execution of telephone service agreements with the York/Poquoson Department of Social Services within the Public Safety Building; and

NOW THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 2nd day of May, 2000, that the County Administrator be, and he is hereby, authorized to execute on behalf of the Board a Telephone Services Agreement with the York/Poquoson Department of Social Services for telephone services in the Public Safety Building. Said agreement shall be in a form substantially similar to those attached to the report of the County Administrator dated April 19, 2000, and to be approved as to form by the County Attorney.

**NEW BUSINESS****PUBLIC SEWER EXTENSION AGREEMENT—QUARTERMARSH ESTATES SECTION III**

Mr. Stuck made a brief presentation regarding proposed Resolution R00-48 to authorize an extension of the County's vacuum and gravity sewer collection system to Quatermarsh Estates, Section III, and to authorize the execution of the necessary public sewer extension agreement. He indicated that typically such issues were placed on the Consent Calendar, but this particular extension agreement was for the vacuum sewer system, and regulations require the Board's

approval of such extensions. Mr. Stuck stated the staff was not recommending approval of a grinder pump as requested because the staff felt the extension of the existing vacuum system and allowing a portion of the development to connect will be beneficial to the entire system.

Chairman Zaremba asked what role the County plays when it gets involved in these extensions.

Mr. Stuck explained that the County approves the plans submitted and provides inspections as the construction proceeds to ensure compliance with the County's regulations. The only time the County invests money in a project is when there is some specific facility such as a pump station that is being enlarged because it would be cost effective for the County. He stated the County has a regulatory and oversight role, but it did not normally invest any construction dollars into these projects.

Chairman Zaremba asked if these extension requests slowed down the implementation of the County's sewer program.

Mr. Brian Woodward, Chief Engineer, stated it actually provided more revenue to the system which helped the system move forward.

Mrs. Noll then moved the adoption of proposed Resolution R00-48 that reads:

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE  
COUNTY'S VACUUM AND GRAVITY SEWER COLLECTION SYS-  
TEM TO A PROPOSED RESIDENTIAL DEVELOPMENT, QUAR-  
TERMARSH ESTATES SECTION III, AND AUTHORIZING THE  
COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY PUB-  
LIC SEWER EXTENSION AGREEMENT

WHEREAS, John E. Matthews and Associates has requested that the County allow the extension of the vacuum sewer collection system to serve 17 properties in the proposed Quarter-marsh Estates Section III development located on Assessor's Parcels 30-137; and

WHEREAS, upon approval of the subdivision's development plan the developer will have to enter into a public sewer extension agreement pursuant to §18.1-53 (b) of the York County Code to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's vacuum sewer collection system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, the Board has determined that the proposed development will not have any detrimental effect on the environment that would not otherwise occur; and

WHEREAS, the developer will pay to the County the applicable inspection and connection fees in accordance with the terms of Chapter 18.1 of the York County Code and the Sanitary Sewer Standards and Specifications; and

WHEREAS, prior to any further engineering or development of these plans, it is necessary that a determination be made as to whether the Board will authorize the extension of the vacuum sewer collection system to serve the proposed development;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 2nd day of May, 2000, that the Board approves the extension of the County's vacuum and gravity sewer collection system to serve the proposed development, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with the developer for the proposed extension; such agreement to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Wiggins, Burgett, Rapp, Noll, Zaremba  
Nay: (0)

May 2, 2000

**CLOSED SESSION.** At 9:44 p.m. Mr. Burgett moved that the meeting be convened in Closed Session pursuant to Section 2.1-344(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions; Section 2.1-344(a)(7) pertaining to consultation with legal counsel regarding actual litigation.

On roll call the vote was:

Yea: (5) Burgett, Rapp, Noll, Wiggins, Zaremba  
Nay: (0)

Mrs. Noll left the meeting at 9:45 p.m.

Miss Rapp left the meeting at 9:58 p.m.

Meeting Reconvened. At 10:21 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Burgett moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM  
OF INFORMATION ACT REGARDING MEETING IN CLOSED SES-  
SION

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of May, 2000, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (3) Wiggins, Burgett, Zaremba  
Nay: (0)

**APPOINTMENT TO THE INDUSTRIAL DEVELOPMENT AUTHORITY**

Mr. Burgett moved the adoption of proposed Resolution R00-63 that reads:

A RESOLUTION TO APPOINT A MEMBER TO THE YORK COUNTY  
INDUSTRIAL DEVELOPMENT AUTHORITY

WHEREAS, on March 17, 2000 H. Junior Coxton resigned his position on the York County Industrial Development Authority;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of May, 2000, that Bradley E. Berrane be, and he is hereby appointed to the York County Industrial Development Authority to fill the unexpired term of H. Junior Coxton, such term to expire on June 30, 2000, and to serve a term of four years, such term to begin July 1, 2000, and expire June 30, 2004.

On roll call the vote was:



Yea: (3) Burgett, Wiggins, Zaremba  
Nay: (0)

Meeting Adjourned. At 10:30 p.m. Chairman Zaremba declared the meeting adjourned to 6:30 p.m., Tuesday, May 9, 2000, in the East Room, York Hall, for the purpose of conducting a work session.

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Daniel M. Stuck, Clerk  
York County Board of Supervisors

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Walter C. Zaremba, Chairman  
York County Board of Supervisors